

PROB 12C
(7/93)

Report Date: July 27, 2010

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 28 2010

Petition for Warrant or Summons for Offender Under SupervisionJAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Dan Elliott Ochs

Case Number: 2:04CR00259-001

Address of Offender: 327 ½ W. 2nd, Apt. B-10, Spokane, WA 99201

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 5/31/2005

Original Offense: Possession of Child Pornography, 18 U.S.C. § 2252A(a)(5)(B)

Original Sentence: Prison - 46 Months; TSR - 60 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Stephanie J. Lister

Date Supervision Commenced: 12/12/2008

Defense Attorney: Roger Peven

Date Supervision Expires: 12/11/2013

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.
- 2 **Special Condition # 21:** You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other forms that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). Neither shall you enter nor frequent any establishment involved in the sex industry, including adult bookstores, massage parlors, and strip bars. You shall not utilize any sex-related adult telephone numbers. The supervising probation officer is authorized to monitor compliance in this area by obtaining telephone records.
- 3 **Special Condition # 24:** You shall have no contact with any child under the age of 18, without the presence of an adult and approved in advance by the supervising probation officer. You shall immediately report any unauthorized contact with minor-aged children to the supervising probation officer.

Supporting Evidence: On July 26, 2010, an affidavit was filed by Federal Bureau of Investigation (FBI) Special Agent, (SA) Leland McEuen, with U.S. Magistrate Judge Cynthia

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Imbrogno in the Eastern District of Washington (ED/WA), under case number MJ-10-210. A summary of the agent's investigation reflects that on January 8, 2010, an Internet social networking service called mbuzzy listed a complaint indicating that on January 5, 2010, 5092177345@mms.mycricket.com and crazydan5150e@yahoo.com, which were attached to the same account, uploaded 23 suspected child pornography image files. Mbuzzy complained that the same yahoo and telephone subscriber uploaded 19 suspected child pornography files. Special Agent McEuen reviewed the image files and saw the majority were of prepubescent children engaged in sexual activity and sexual poses. The Internet Protocol (IP) address and telephone number were traced to the registered owner, Dan Ochs.

On July 27, 2010, the offender signed an admission document for Special Agent McEuen stating the following: "I was out of prison in August 2008. In January 2010, because of stress and relationship problems, I started looking at child porn again. I knew it was wrong and against my supervised release conditions. It is an addiction and I am in treatment for it. I am sorry and realize the problems it causes. I was treated fairly and courteously by FBI agents and want to cooperate and be honest with all involved. I freely volunteer any information."

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/27/2010

s/Brenda J. Kuest

Brenda J. Kuest
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other


 Signature of Judicial Officer

July 28 2010
 Date